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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 EXPERIENCE HENDRIX, L.L.C., et al.,

11 Plaintiffs,

12 v.

13 HENDRIXLICENSING.COM, LTD, et al.,

14 Defendants.

C09-285Z

MINUTE ORDER

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16 The following Minute Order is made by direction of the Court, the Honorable Thomas
S. Zilly, United States District Judge:

17 (1) Defendants' motions in limine, docket no. 112, are GRANTED in part,
18 DEFERRED in part, and DENIED in part as follows:

19 (a) Defendants' motion to exclude the testimony of Robert F. Cissel is
GRANTED. Mr. Cissel will not be allowed to testify as an expert witness at trial. The Court
20 will instruct the jury concerning the law.

21 (b) Defendants' motion to exclude the testimony of Richard F. Yalch, Ph.D.
22 is GRANTED in part and DEFERRED in part. Dr. Yalch will not be permitted to testify
about the "Jimi Hendrix brand," which was described in his report as encompassing song
titles and/or lyrics and images of Jimi Hendrix, and he may not offer any opinion suggesting
23 that plaintiffs have a right to control or prevent the dissemination of Jimi Hendrix's image,
whether in "wholesome," "drug-associat[ed]," or other form. The Court DEFERS ruling on
whether Dr. Yalch will be allowed to testify about damages or any other matter. Plaintiffs
24 are DIRECTED to file, by noon on Friday, April 22, 2011, an offer of proof concerning what
testimony Dr. Yalch is anticipated to provide that is consistent with both his report and the
Court's rulings in this case.

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26 (c) Defendants' motions in limine are otherwise DENIED.

1 (2) Plaintiffs' motions in limine, docket no. 111, are GRANTED in part and
DENIED in part as follows:

3 (a) Plaintiffs' uncontested motions in limine (motions nos. 4, 5, 6, 7, and 8)
are GRANTED.

4 (b) Plaintiffs' motions in limine to exclude evidence about products
5 licensed or sold by other companies owned by defendant Andrew Pittcalis and to exclude
evidence concerning hypothetical products or "mock ups" that were not actually sold or
licensed are GRANTED.

7 (c) Plaintiffs' motion to preclude testimony concerning their lack of
8 "publicity" or "personality" rights is DENIED. Such evidence is relevant to whether
plaintiffs can establish the unfair or deceptive act or practice and causation elements of their
claim under Washington's Consumer Protection Act.

Filed and entered this 19th day of April, 2011.

WILLIAM M. McCOOL, Clerk

By _____
Claudia Hawney
Deputy Clerk